

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND**

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GERALD J. SILVA,  
Plaintiff,

v.

STATE OF RHODE ISLAND, et al.,  
Defendant.

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C.A. No. 19-cv-568-JJM-PAS

**ORDER**

This matter is before the Court on Gerald J. Silva's Motion for Transfer to Medical Facility. ECF No. 30. Magistrate Judge Patricia A. Sullivan has issued two Report and Recommendations (R&R's) as to the Motion. ECF Nos. 45, 51.

After thoroughly reviewing the Motion, the objection (ECF No. 37), the two R&R's, the objections to the R&R's (ECF Nos. 50, 54) and the entire record, the Court adopts the R&R's and DENIES the Motion to Transfer for the reasons stated in the R&R's.

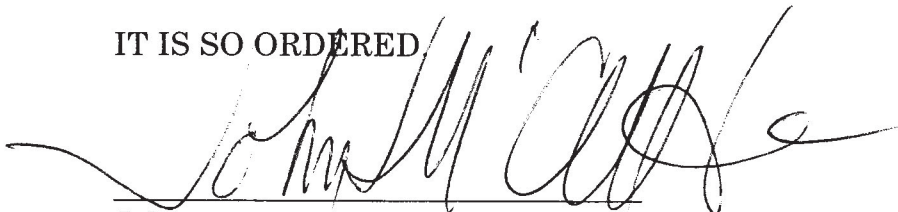
The Court as a matter of law lacks the authority or legal basis to transfer Mr. Silva from state custody to federal custody under the facts set forth in this. ECF No. 45. The Court also agrees with the Magistrate Judge that "the evidence is clear that Plaintiff's medical claim fails to meet the threshold for an interim mandatory injunction even under the more lenient standard. That is, Plaintiff has not sustained his burden of proving that he has a serious unmet medical need or that RIDOC's ongoing approach to his medical issues is objectively unreasonable." *Id.* at 9. Finally,

the Court again agrees with the Magistrate Judge that the “Plaintiff has failed to sustain his burden of demonstrating that any deficiency in the legal resources that RIDOC has made available actually interfered with his access to courts.” *Id.* at 12.

Finally, the Court should briefly comment on some of the unsupported and false allegations made by Mr. Silva in his objection to the second R&R. ECF No. 54. Without giving any credence to the allegations by repeating them, the Court simply states that in this case, and in all the cases that come before her, Magistrate Judge Sullivan has shown incredible sensitivity to and professional attention to all allegations of misconduct made by prisoners and does equal justice to all.

The Court adopts the R&R’s (ECF Nos. 45, 51) and DENIES the Motion to Transfer. ECF No. 30.

IT IS SO ORDERED



John J. McConnell, Jr.  
Chief United States District Judge

May 3, 2021